

**REVISIONS TO THE LEAD HAZARD REMEDIATION ADMINISTRATIVE RULES**  
**R325.99101 to 325.99408**

January 27, 2005

<b>Change</b>	<b>Section no. (new format)</b>	<b>Rationale</b>
Name change to "lead hazard <b>control</b> "	title	The administrative rules affect not only "remediation" of lead hazards, but also other forms of lead hazard control. The new title is more accurately descriptive.
Replace old rules (R325.9901 to 325.9925) with new formatted rules (R325.99101 to R325.99408)	all	The broad scope of rule changes necessitates a major revision of the format and organization of the rules. The new format is used to incorporate requirements for compliance with Federal mandates regarding program authorization, published compliance guidance issues, and to allow regulating and regulated parties to cite specific regulations for reference. <ul style="list-style-type: none"> <li>• Part 1 is General Requirements</li> <li>• Part 2 is Training Programs</li> <li>• Part 3 is Certified Individuals &amp; Firms</li> <li>• Part 4 is Work Practice Standards</li> </ul>
Add the following definitions: - <i>EBL environmental investigation</i> - <i>EBL investigator</i> - <i>Lead hazard control activity</i> - <i>Renovation</i>	rule 102	These definitions are used only in rules, and do not appear as part of the Lead Abatement Act. <ul style="list-style-type: none"> <li>• "Lead hazard control activity", as used in these rules, means ANY work done to reduce or eliminate lead-based paint hazards, including interim controls, abatement.</li> <li>• "Renovation" definition same as TSCA section 406(b).</li> </ul>
Add report copies requirements	rule 103(2)	<ul style="list-style-type: none"> <li>• Copies of reports must be given to 1) owner of property and, 2) person who paid for work , if different</li> <li>• Reports must be completed within 20 business days.</li> </ul>
Add Core Lead Basics course	rule 201(5)	Core Lead Basics course added to eliminate the duplication of training requirements within certified discipline courses. This course does not have to be repeated for any reason.
Add exam expiration date to required course certificate items	rule 202(5)	Modification to reflect current best practice, and to provide information for compliance assistance for professionals.
Add Core Lead Basics course curriculum	rule 205	Minimum curriculum requirements for the Core Lead Basics course as defined in rule 201.
Modify required training hours for Supervisor course	rule 207(1)	The Core Lead Basics course and Worker course are now pre-requisites for the Supervisor course. A person who wishes to become certified as a Supervisor must take a total of 32 hours; 8 Core Lead Basics, 16 Worker, 8 Supervisor.

Modify required training hours and curriculum for Inspector course	rule 208(1)	The Core Lead Basics course and the Inspector course are prerequisites for the Risk Assessor course. A person who wishes to become certified as a Risk Assessor must take a total of 40 hours; 8 Core Lead Basics, 16 Inspector, 16 Risk Assessor. If the person is already certified as a Supervisor, then they do NOT have to repeat the Core Lead Basics course, making the total hours required for RA only 32.
Add Clearance Tech course curriculum	rule 210	Minimum curriculum requirements for the Clearance Technician course, as defined in rule 201. A person who wishes to become certified as a Clearance Technician, and is not certified in another discipline, must take a total of 16 hours; 8 Core Lead Basics, 8 Clearance Tech. All persons currently certified will NOT be required to take additional training except refresher training.
Add endorsement of EBL Investigator	rule 301(2)	No provision was initially made for endorsement of those seeking to perform EBL environmental investigations. Since this function must be done consistently throughout the state, and must reflect best practices, endorsement requirements are added.
Add general requirement for Core Lead Basics course as a pre-requisite for each discipline	rule 302(1)-302(5)	Old training course curriculum requirements duplicated basic information for each discipline. These requirements are replaced by a single Lead Core Basics course, which will be required for all disciplines. The curriculum modification would require that the Core course be taken only once to satisfy curriculum requirements for any discipline.
Add minimum education requirement for Inspector	rule 302(3)	Due to the complexity of the scope of Inspector work, and to upgrade the quality of prospective Inspectors, a minimum educational requirement of high school diploma, or equivalent, is added. Currently certified Inspectors will be 'grandfathered'.
Add "nurse" to list of RA qualifications	rule 302(4)(c)	To encourage nurses to complete risk assessor training in preparation for EBL investigator endorsement, "nursing" is added to the list of acceptable qualifications.
Add Clearance Tech certification requirements	rule 302(5)	To reflect amendments to the Act (12/2002) for certification of this discipline the following minimums are required: <ul style="list-style-type: none"> <li>• High School, or equivalent, OR</li> <li>• One year experience in construction or environmental</li> </ul>
Add EBL investigator endorsement requirements	rule 302(7)	Minimum certification requirements for the EBL investigator, as defined in rule 201. <ul style="list-style-type: none"> <li>• Current certification as Risk Assessor</li> <li>• Written open-book exam from the EBL Field Guide</li> </ul>
Add language for no repeat of Core Lead Basics course	rule 304(4)	Core lead Basics course not required to be repeated for recertification. There is no refresher course.
Add recertification of EBL investigator	rule 304(5)	Recertification each 3 years.

Add documented methodologies: - HUD part 35 (adopted by reference) - ASTM E1727 - ASTM E1728 - EBL Field Guide	rule 401(2)	Added to comply with EPA program authorization, TSCA section 403 requirements, and EBL protocols from rule 405.
Modify analytical procedures requirements	rule 401(4)	This modification will allow flexibility of analytical procedures as they become approved by EPA (authorizing agency), eg. use of XRF instrument for field analysis of dust wipes. Old language was artificially restrictive to laboratories only.
Add definition of <i>de minimis</i> levels	rule 401(6)	To comply with program authorization and TSCA section 403 requirements, rules do not apply to activities done on painted surfaces less than <i>de minimis</i> levels
Clarify wording of dust sampling requirements for risk assessments	rule 404(5),(6)	Clarification of sampling requirements to incorporate published compliance interpretive guidance issues. Sampling is to be done on 1 window and 1 floor in each room, or room equivalent. Window components are to be done by alternating sill and trough in each area, as possible.
Add soil testing location for risk assessment	rule 404(8)(c)	Add requirement of sampling bare soil areas in excess of 9 square feet to comply with established sampling protocols which were not originally described in rules.
Add EBL investigation protocol	rule 405	Added to facilitate the EBL environmental investigation function not originally described in rules. EBL environmental investigations must be performed in accordance with the EBL Field Guide.
Add requirements for persons performing non-abatement hazard control activities	rule 406(1)	Persons performing ANY lead hazard control activity must have minimum lead training as follows: • Approved HUD course, OR • Accredited Worker course. Abatement still requires certification. Non-abatement lead hazard control activities, as defined in the Lead Abatement Act, such as interim controls and paint stabilization will require at least the minimum.
Require the Occupant Protection Plan to be on-site	rule 406(6)(a)	Clarification of current requirements to incorporate published compliance guidance issues.
Add containment materials status requirement	rule 406(8)	Added for clarification of a major compliance issue dealing with the requirement for materials used to identify containment must be left intact until clearance has passed.
Require replacement soil maximum Pb levels	rule 406(9)	Added to comply with EPA program authorization and TSCA section 403 requirements. Current maximum level is 400 ppm.

Reformat to include separate clearance procedures rule for all lead hazard control activities	rule 407	With the addition of the Clearance Technician discipline to the Lead Abatement Act (Dec. 2002), non-abatement clearance activities are now regulated. This rule provides <ul style="list-style-type: none"> <li>• standards for performance of clearance procedures</li> <li>• compliance assurance of both abatement and non-abatement clearance activities</li> <li>• clear definitions of both abatement and non-abatement activities for clearance.</li> </ul>
Clarification of multi-family clearance procedures using random selection of units	rule 407(4)&(5)	The rules for performance of clearance procedures in multi-family housing have historically proven to be unclear, and subject to varied interpretations. The frequency of clearance sampling was not initially described in rules, and resulted in inconsistent performance. These subrules are intended to provide instructions for consistent results.
Add requirement for non-reoccupy between abatement and clearance in multi-family dwellings	rule 407(4)(d)	This rule requires that occupants in multi-family dwellings remain out of the dwelling units into which hazards may have been introduced during hazard control activities until clearance procedures have been successfully performed.
Requirements for clearance sampling in common areas for multi-family dwellings	rule 407(5)	The locations for clearance dust sampling in common areas of multi-family dwellings is described as 1 floor and 1 window adjacent to sampled dwelling units, and any other common area that the Clearance Professional deems potentially hazardous to children 6 years and under.
Require preparation of Clearance report	rule 407(8)	Specifies the requirement for, and the content of, a report following clearance of any lead hazard control activity.
Limitations of Clearance Technician scope of work	rule 407(7)	Specifically defines the scope of work permitted by Clearance Technicians. <ul style="list-style-type: none"> <li>• Non-abatement only</li> <li>• No multi-family dwellings using random sample selection</li> </ul>
Change project notifications to 3 work days	rule 408(1)	Reflects amendments to the Lead Abatement Act of December 2002 from 7 days to 3.
Add 406(b) requirements	rule 408(6)	Added to comply with EPA program authorization and TSCA section 406(b). ANY person doing renovation in target housing or child-occupied facility for compensation and disturbs more than 2 square feet of painted surface must provide the EPA pamphlet and obtain written receipt.

**NOTE:** ...“Added to comply with EPA program authorization and TSCA section 403 requirements” indicates that EPA has required the affected section to be modified to comply with the amendments to 40 CFR 745 in Part D, TSCA section 403, in order to maintain authorization of the State program.